



U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

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May 1, 2008

James W. Coon II, Republican Chief of Staff

The Honorable David R. Obey
Chairman
House Committee on Appropriations
H-218, The Capitol
Washington, D.C. 20515

The Honorable David E. Price
Chairman
Subcommittee on Homeland Security
B-307 Rayburn House Office Building
Washington, D.C. 20510

The Honorable Jerry Lewis
Ranking Member
House Committee on Appropriations
1016 Longworth House Office Building
Washington, D.C. 20515

The Honorable Harold Rogers
Ranking Member
Subcommittee on Homeland Security
1016 Longworth House Office Building
Washington, D.C. 20510

Dear Sirs:

We write to express our concern with the Department of Homeland Security's ("DHS") implementation of the public transportation security provisions of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) ("9/11 Act"). As you develop the Department of Homeland Security Appropriations bill for fiscal year 2009, we urge you to include a provision to ensure that DHS implements this law as intended by Congress, by awarding grants directly to eligible public transportation agencies for security improvements, and not through an intermediary.

Title XIV of the 9/11 Act establishes a grant program to provide urgently needed funds to our nation's transit agencies to improve the security of their systems and provide training to their employees. Specifically, Section 1406(a) of the 9/11 Act requires the Department to establish a program "for making grants to eligible public transportation agencies for security improvements...." The accompanying Joint Explanatory Statement of the Conference Committee states that Congress establishes "a single grant program that awards grants directly to eligible public transportation agencies for security improvements." [Emphasis added]. Further, both the House- and Senate-passed bills contained a similar requirement. The legislative history clearly shows that Congress intended grants to be distributed directly to transit agencies and not through an intermediary.

On February 1, 2008, DHS issued guidance for the FY 2008 Transit Security Grant Program ("TSGP"). In this guidance, DHS continues its existing practice of requiring State Administrative Agencies to apply for and administer all funds awarded under the TSGP. Such an approach disregards the statutory requirement of the 9/11 Act that grants be awarded directly to transit agencies.

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The Committee on Transportation and Infrastructure has repeatedly brought this inconsistency to the attention of Secretary of Homeland Security Michael Chertoff, Secretary of Transportation Mary Peters, and Office of Management and Budget Director Jim Nussle via correspondence. *See enclosed letters.* Unfortunately, the administration's responses have indicated that it is steadfast in its refusal to comply with the law. Therefore, we urge you to include a provision to ensure that DHS awards transit security grants directly to eligible public transportation agencies, and not through an intermediary.

In addition, the FY 2008 Transit Security Grant Program guidance imposes new matching requirements on public transportation agencies and Amtrak, which were not required in the 9/11 Act. DHS proposes to require matching funds from both public transit systems and Amtrak as a precondition to receiving security grant funds. For FY 2008 grants, DHS limits the Federal share of operating grants to two-thirds of the total cost of the project. For FY 2009, DHS intends to further limit the Federal share of these grants, capping the Federal share at 50 percent. DHS also proposes to cap the Federal share of transit security capital grants and administration activities to 75 percent. Similarly, DHS proposes to limit the Federal share of Amtrak security grants to 75 percent of the total project cost for projects related to planning, equipment, management, and administration activities.

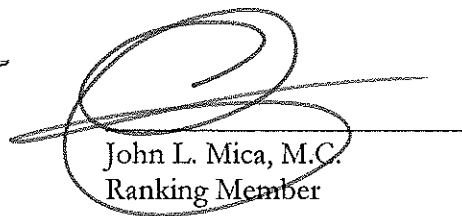
In 2007, people took more than 10.3 billion trips on public transportation across the U.S. and more than 25.8 million riders were served by Amtrak. Congress enacted the 9/11 Act to enhance the security of our nation's surface transportation systems and to protect the lives of these riders. We look forward to working with you to resolve the critical issues outlined in this letter and honor the intent of Congress in implementing these critical security improvements.

Thank you for your consideration.

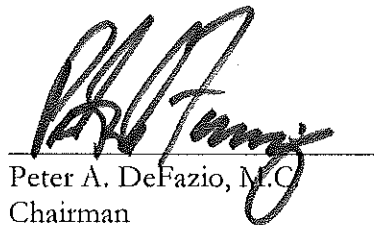
Sincerely,



James L. Oberstar, M.C.
Chairman



John L. Mica, M.C.
Ranking Member



Peter A. DeFazio, M.C.
Chairman
Subcommittee on Highways and Transit